

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RONALD J. ALLISON,

Plaintiff,

v.

CCDC,

Defendant.

Case No. 2:21-cv-01325-RFB-EJY

ORDER

I. DISCUSSION

On July 9, 2021, Plaintiff, an inmate in the custody of the Clark County Detention Center (“CCDC”), filed a Complaint (ECF No. 1-1) and an Official Request for Federal Government Assistance (ECF No. 1-2). Plaintiff has neither submitted an application to proceed *in forma pauperis* nor paid the full \$402 filing fee in this matter.

Complaint

The Court notes that Plaintiff has titled his document at ECF No. 1-1 Complaint & Lawsuit. However, Plaintiff’s document does not comply with Local Special Rule 2-1 (“LSR 2-1”). Under LSR 2-1, a civil rights complaint filed by a person who is not represented by an attorney must be submitted on the form provided by the court or must be legible and contain substantially all the information called for by the court’s form. As such, the Court grants Plaintiff a **one-time extension** until on or before **September 14, 2021** to submit a complaint to the Court in compliance with LSR 2-1. The Court will also provide Plaintiff a copy of the Court’s § 1983 complaint form with instructions.

Application to Proceed in Forma Pauperis

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to commence a civil action may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the full \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

- 1 (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's
 2 approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),
 3 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
 4 (i.e. page 4 of this Court's approved form), and
 5 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
 6 **six-month period**. If Plaintiff has not been at the facility a full six-month period, Plaintiff
 7 must still submit an inmate account statement for the dates he has been present at the facility.

8 The Court grants Plaintiff a **one-time extension** to file a fully complete application to
 9 proceed *in forma pauperis* containing all three of the required documents, or in the alternative, pay
 10 the full \$402 filing fee for this action on or before **September 14, 2021**. Absent unusual
 11 circumstances, the Court will **not** grant any further extensions of time. If Plaintiff is unable to file a
 12 fully complete application to proceed *in forma pauperis* with all three required documents or pay
 13 the full \$402 filing fee on or before **September 14, 2021**, the Court will recommend dismissal of
 14 this case **without prejudice** allowing Plaintiff to file a new case with the Court when Plaintiff is
 15 able to acquire all three of the documents needed to file a fully complete application to proceed *in*
 16 *forma pauperis* or pays the full \$402 filing fee.

17 A dismissal **without prejudice** means Plaintiff does not give up the right to refile the case
 18 with the Court, under a new case number, when Plaintiff has all three documents needed to submit
 19 with an application to proceed *in forma pauperis*. Alternatively, Plaintiff may choose not to file an
 20 application to proceed *in forma pauperis* and instead pay the full filing fee of \$402 on or before
 21 **September 14, 2021** to proceed with this case.

22 **II. ORDER**

23 For the foregoing reasons, IT IS HEREBY ORDERED that the Clerk of the Court shall send
 24 to Plaintiff the approved form for filing a § 1983 complaint, instructions for the same, and a copy of
 25 his documents at ECF Nos. 1-1 and 1-2.

26 IT IS FURTHER ORDERED that Plaintiff shall file a complaint in this Court in compliance
 27 with LSR 2-1 on or before **September 14, 2021**.

1 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
2 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
3 information and instructions for filing an *in forma pauperis* application.

4 IT IS FURTHER ORDERED that on or before **September 14, 2021**, Plaintiff shall either
5 pay the full \$402 filing fee for a civil action (which includes the \$350 filing fee and the \$52
6 administrative fee) or file with the Court:

7 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
8 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
9 3),

10 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
11 (i.e. page 4 of this Court's approved form), and

12 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
13 **six-month period.**

14 IT IS FURTHER ORDERED that, if Plaintiff does not file a complaint in compliance with
15 LSR 2-1 and a fully complete application to proceed *in forma pauperis* with all three documents or
16 pay the full \$402 filing fee for a civil action on or before **September 14, 2021**, the Court will
17 recommend dismissal of this action **without prejudice** for Plaintiff to refile the case with the Court,
18 under a new case number, when Plaintiff is able to file a complaint in compliance with LSR 2-1 and
19 has all three documents needed to file a complete application to proceed *in forma pauperis* or pays
20 the full \$402 filing fee.

21 Dated this 19th day of July, 2021.

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24 ELAYNA J. YOUCHAK
25 UNITED STATES MAGISTRATE JUDGE
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